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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,916

04/12/2004

James B.A. Tracey

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6090

20995

7590

06/16/2006

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER

BOECKMANN, JASON J

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/823,916	Applicant(s) TRACEY ET AL.	
	Examiner Jason J. Boeckmann	Art Unit 3752	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.  
 4a) Of the above claim(s) 2,9-17,19,24 and 25 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1,3-8, 18, 20-23, 26-34 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 4/12/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/3/05, 1/31/05</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of group I, species IV in the reply filed on March 20, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 2, 9-17, 19 and 24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected groups and/or species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 20, 2006.

Examiner believes that claims 9-12 and 15-17 do not read on the elected species IV directed towards figures 3A, 3B and 3C. These claims refer to an outlet hose having a first lumen and a second lumen (claim 9, line 2) as shown in species V, directed towards figures 4A, 4B and 4C.

Examiner believes that claims 13-17 do not read on the elected species IV, directed towards figures 3A-3C because these claims refer to the mixing chamber as shown in figure 1B, element 64 (Species I) and figures 2B element 240 (species III).

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the input hose having

a diameter that is greater than a diameter of the output hose, as in claims 7 and 24, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Attar (6,857,583).

Attar shows a hose system comprising: a fluid control device (30) comprising an inlet (26) and an outlet (41), the fluid control device configured to receive liquid at a first pressure through the inlet and to provide liquid at a second pressure through the outlet, the first pressure being less than the second pressure, a hose reel device (40) in fluid communication with the outlet of the fluid control device, the hose reel comprising a rotatable drum onto which the hose can be spooled, and the inlet of the fluid control device is in fluid communication with a fluid source (20).

Claims 18, 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Jockers (1,450,000).

Jockers shows a fluid control device comprising a gas inlet (g1), a liquid inlet ( $\sigma$ 1), an outlet (n) configured to be coupled to a hose, and a valve system (c, c1) configured to allow into the outlet a flow from the liquid inlet while stopping gas flow from the gas inlet, the valve system configured to allow into the outlet the gas flow from

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the gas inlet while stopping the liquid flow from the liquid inlet, the valve system configured to allow into the outlet a mixed flow comprising liquid flow and gas flow.

Regarding claims 20-22, the fluid control device further comprises a internal liquid passage ( $\sigma_2$ ), an external liquid hose coupled to the liquid inlet (not shown but connected to ( $\sigma_1$ ) and an external output hose (N) connected to the outlet. The valve system is within a housing with the gas inlet, liquid inlet and outlet disposed in the housing.

Regarding claim 23, examiner notes that the applicant's limitation of the flowing material is not a limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Attar (6,857,583) in view of Eihusen et al (5,529,460).

Attar shows all aspects of the applicant's invention as in claim 1, but does not specifically disclose that the second pressure is at least 1,200 psi. However, Eihusen et al discloses "pressure washers are well known in the art for delivering water or other washing fluid under high pressure, e.g., about 1200 to 2000 psi" (column 1, lines 10-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to select a pump configuration that produces a fluid pressure of 1200 to 2000 psi in order to increase the cleaning power of the fluid control device.

Claims 6, and 8 are rejected under 35 U.S.C. 103(a) as being anticipated by Russo (6,138,926) in view of Attar (6,857,583).

Russo shows a hose system comprising: a fluid control device (12) comprising an inlet (14) and an outlet (6), a gas inlet (1) and a valve system (2, 3). The fluid control device is configured to receive liquid at a first pressure through the inlet and to provide liquid at a second pressure through the outlet, the first pressure being less than the second pressure and the valve system is configured to allow into the outlet a flow from the liquid inlet while stopping gas flow from the gas inlet (close valve 2), the valve system configured to allow into the outlet the gas flow from the gas inlet while stopping the liquid flow from the liquid inlet (open valve 3 completely), the valve system configured to allow into the outlet a mixed flow comprising liquid flow and gas flow. Russo does not specifically disclose a hose reel device in fluid communication with the

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outlet of the fluid control device, the hose reel comprising a rotatable drum onto which the hose can be spooled, and the inlet of the fluid control device is in fluid communication with a fluid source. However, Attar shows a hose reel device (40) in fluid communication with the outlet of the fluid control device, the hose reel comprising a rotatable drum onto which the hose can be spooled, and the inlet of the fluid control device is in fluid communication with a fluid source (20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to add the hose reel device of Attar's invention to the hose system of Russo in order to conveniently store the output hose.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Attar (6,857,583).

Attar shows all aspects of the applicant's invention as in claim 1 above, but does not specifically disclose that the input hose (26) has a diameter greater than the diameter of the output hose (41). However, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to make the high pressure output hose of a smaller diameter than the low pressure input hose in order to increase its strength compared to the low pressure input hose and to increase the fluid pressure.

Claim 26-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Attar (6,857,583), as modified above, in view of Eihusen et al (5,529,460).



Attar, as modified above, shows a hose system comprising a fluid control device (pump 30) including an inlet and an outlet, an inlet hose (26) in fluid communication with the inlet, an outlet hose (41) in fluid communication with the outlet, wherein the fluid control device is configured to receive liquid from the inlet at a first pressure and convey liquid from the outlet at one of a second pressure and a third pressure, but does not specifically disclose that the third pressure is at least 2000 psi or that the first pressure is within 40-60 psi. However, Eihusen et al discloses "pressure washers are well known in the art for delivering water or other washing fluid under high pressure, e.g., about 1200 to 2000 psi" (column 1, lines 10-12), and that "fluid is commonly supplied to the pump by a garden hose" (column 1, lines 15-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to select a pump configuration that produces a fluid pressure of 1200 to 2000 psi and to connect the water inlet to a garden hose having an approximate pressure of 40-60psi, in order to increase the cleaning power of the fluid control device.

Regarding claim 34, the output hose is connected to a hose reel (40) comprising a third hose (50) and a rotatable drum onto which the third hose can be spooled, the output hose is connected to the hose reel device so as to convey fluid from the output hose to the third hose.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jeanfreau (6,394,365) shows a fluid control device including a hose reel, a pump, a liquid inlet and an outlet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Boeckmann whose telephone number is (571) 272-2708. The examiner can normally be reached on 7:30 - 5:00 m-f, first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJB

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6/7/06



**David A. Scherbel**  
**Supervisory Patent Examiner**  
**Group 3700**